

MINUTES

RANDOLPH COUNTY PLANNING BOARD

June 8, 2004

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, June 8, 2004, in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. **Chairman Maxton McDowell** called to order the Randolph County Planning Board meeting at 6:30 p.m. McDowell welcomed our new Planning Board Member, Jim Rains.
2. **Hal Johnson**, Planning Director, called roll of the members: Maxton McDowell, Chairman, present; Bill Dorsett, Vice Chairman, present; Lynden Craven, present; Larry Brown, present; Phil Ridge, present; Chris McLeod, present; and Jim Rains, present.
3. **Brown** made the motion, seconded by **Craven**, to approve the Minutes of the May 4, 2004 County Planning Board Meeting. The motion passed unanimously.
4. **SPECIAL USE PERMIT REQUESTS:**

Swearing in of the Witnesses - "Do you swear or affirm that the information you are about to give is the truth, the whole truth, and nothing but the truth, so help you God."

Seventeen citizens took this oath.

- A. **TOM SPEARS**, Asheboro, North Carolina, is requesting a Special Use Permit to allow a Planned Rural Development for family members located off Carl Brady Road, 65.60 acres, Pleasant Grove Township, Zoning District RA, Tax ID# 8626311200.

Johnson explained that this request was postponed from the May Planning Board hearing. Johnson presented pictures of the request and the area in which it is located. Johnson presented the actual site plan and said that the property was purchased approximately 15 years ago. Johnson said the applicant proposes the property to be divided primarily for insurance purposes. Johnson explained that the Special Use Permit would only allow four residences on the 65+ acres of land with no additional division of property. Johnson said that at the last hearing the easement was presented and explained that this easement has existed prior to any zoning regulations. Johnson said that one of the concerns mentioned was this 16 ft. easement accessing the property. **Ben Albright**, 3157 Siler City Road, attorney representing the Spears, said that he is assuming that this meeting is a continuation of the hearing that began last month.

Johnson said that is correct. **Albright** said that the Spears purchased the 65 acres along Deep River. Albright said that at the last meeting there was some confusion if the easement was 16 ft or 8 ft. Albright said this is a “boxed type” easement that is 16 ft. and said that this document is on record in the Planning Department. Albright said that all three property owners entered into this easement as a boxed easement and the easement did not begin at a distance off of their property line. **Dorsett** said that he was concerned that the property only had an 8 ft. easement along the property line. **Albright** said that the easement adjoins entirely on the property line for the full 16 ft. Albright said that the property and the existing road easement were deeded long before the County ordinances were adopted. Albright said that the road is a grandfathered situation and if the property is held to the current standards it would be an undue hardship. **Tom Spears** said that he and his family plan to retire on this property. Spears said that they plan to construct two additional homes on the property. Spears said he felt the housing in the area is very nice and rural. Spears said he didn’t feel these additional residences would burden the area. Spears said that the density in the community is sparse but their request would be in harmony with the area. **Johnson** asked Spears if the family purchased the property as a group and when that purchase was. **Spears** said they purchased the property as a group in 1989. **Dorsett** said his main concern last month was if the property only had 8 ft. easement, emergency vehicles could not get to the property. Dorsett said if the easement was not wide enough he felt the Spears would need to request a variance. Dorsett asked Albright if he had a drawing of the easement and **Albright** sketched Dorsett a picture of the easement. **Brown** asked Albright if the easement had the calls on the property and **Albright** answered yes. **Brown** asked if the box easement closed and **Albright** answered yes. **David Inabinett**, attorney representing Randy and Susan Thomason (adjoining property owners), presented a booklet of documents as evidence to the Planning Board. Inabinett asked Spears if the document under tab 3 was the deed being referenced and if the document under tab 2 was the easement being referred to and **Albright** answered yes. **Inabinett** asked Spears to answer and **Spears** answered yes. **Inabinett** asked if the property’s legal right-of-way was 45 ft. at any point and **Spears** answered he didn’t believe so. **Inabinett** asked if the existing road was wide enough for two vehicles on the road, and **Spears** answered he didn’t know because there has not been enough traffic on the road for him to ever meet another car on the road. **Inabinett** asked if they plan to upgrade the road and if the road is graveled. **Spears** said that the road is graveled but they do not plan to pave the road. **Inabinett** asked about the number of residences and **Spears** answered there would be a total of four. **Inabinett** asked if there were any legal reasons why they could not sell to another family and **Spears** said he didn’t know. **Inabinett** asked if there was any other access into this 65-acre tract and **Spears** answered not that he was aware of any. **Inabinett** asked if any additional right-of-way has been purchased since the last meeting and **Spears** answered no.

Robert Spears, 6770 Carl Brady Road, said that it has been their dream that all of his

brothers and sisters could move here and retire together. Spears said they just wanted to grow old together and he didn't see why this would harm anyone or anything in the area.

Inabinett, representing Randy and Susan Thomason, said that he has passed out an exhibit of evidence for the Board. Inabinett said that their primary concern was that the ordinance does not allow for property to be developed when property does not have adequate access. Inabinett said that the ordinance requires a 45' private road right-of-way to create a subdivision. Inabinett discussed the nonconformance section of the ordinance that states the property use could not be expanded to continue prohibited uses. Inabinett said that his clients have owned their property for many generations.

Randy Thomason, 322 Rothrock Road, Lexington, said that the property they own is the property that the Spears cross for access to their property. Thomason said that the survey provided by the Spears shows that the easement is on 8 ft. of each property line. Thomason said that when this property reaches Paul Powers' property, 8 ft. of the easement stops. Thomason said that his father-in-law gave the easement in 1985. Thomason said that they don't deny the Spears will build nice homes on their property. Thomason said that their concern is this development would place an undue hardship on the easement. Thomason said that the ordinance, in the Special Use Permit section, requires the roadway to have a minimum width of 20 ft. Thomason said that the ordinance, when referring to private roads, requires private roads to have a minimum right-of-way of 45' ft. for a subdivision. Thomason said that the 16 ft. easement predates zoning and if this is the reason to grandfather the division, he didn't understand why this hearing would be required. Thomason said that the survey shows a 16 ft. road that goes to a proposed 30 ft. easement which would exceed the maximum length of 1320 ft. for a private road. Thomason said that this property has been in his wife's family for over 200 years and her family has established their staying power. Thomason said that if this is allowed, he didn't know what would prevent the Spears from further subdividing or selling their property. Thomason said if the property had been subdivided 20 years ago it could be grandfathered but this proposed division is a new request. Thomason said that they felt their liability should be limited and the division should not be permitted. **Dorsett** asked Thomason if he had the survey done. **Thomason** answered that the survey was done for the Spears. Thomason said that the site plan is not complete because the buildings are not located on the site plan as the ordinance requires. **McLeod** asked Thomason who granted the easement in 1985 and Thomason answered his father-in-law. **Brown** asked if concrete trucks had been up the road. Brown noted that homes have been built on the property. **Thomason** said that one of the homes was built in the 1920's and the other home 4 years ago. **Brown** asked Thomason if he felt a fire truck could go up this road and **Thomason** answered that it could not go up the road passing another vehicle. **McLeod** asked who owns the home in the picture presented and **Spears** answered that it is his sister's home. **Brown** asked

how wide two cars are and **Thomason** said that his vehicles are close to 6 ft. wide. **Brown** said that he knew a trailer could be no wider than 8 ft. and a car's width is less than a trailer.

Albright said that Thomason discussed the need for a 45 ft. right-of-way, and Albright said that this is not a subdivision and is a Special Use Permit for a planned rural development. Albright said they felt the 16 ft. existing grandfathered easement would be adequate access for the existing residences and the two residences proposed. Albright said that the property owners of the existing easement attempted to sell additional easement after the last meeting. **Inabinett** objected to this comment and said it was not true.

Dorsett said that he didn't understand why a survey would attest to the drawn easement. **Albright** said that he didn't say whose property the 16 ft. easement is on; he just said that the 16 ft. began on the northeast corner and went west for 16 ft. Albright said that it is possible that the road is not where the easement is given but it doesn't mean they don't have the 16 ft. access. **Inabinett** said that he objected to this testimony.

Susan Thomason said that she didn't have a problem with the Spears. Thomason said that her family has lived here for 200 years. Thomason said that her mother lived here until she passed a year ago and she lived here until 25 years ago. Thomason said that she understands the importance of family. Thomason said she felt the Spears should be subject to all current regulations when trying to do anything new on the property. Thomason said that her father gave the easement for one home only. Thomason said that she has never been approached by the Spears to purchase any additional easement. Thomason said the Spears said that their attorney advised them of their liability and the need to divide their property. Thomason said that their liability also increases. Thomason said that the Spears don't meet the requirements, and she is only asking this Board to uphold the County's own rules.

Albright said that the easement is to the entire 65 acres and not to one specific residence.

Dorsett said that if the Spears had this already and they came to us for a variance, the Board could overrule any of the road requirements. Dorsett said he felt the Board could approve this request and then the Spears could come back for a variance. Dorsett said that if someone is hurt on the right-of-way they would sue the property owners. Dorsett said that he felt the request should be done in a two-stage request.

Brown asked if the Spears were advised for other liability reasons such as bankrupt liabilities, etc. Brown asked if the property owners would be liable if someone was hurt

on the easement. **Albright** said that the property owners would have to do something intentional to cause the accident, and **Inabinett** said the risk is still there.

Craven said that this easement was granted in 1985 a couple of years before the ordinance and he felt the easement should fall under the grandfather clause. **McDowell** said that the Board's concern, when postponing a decision at last month's meeting, was for Paul Powers and what it would do to his property. **McLeod** said that the 16 ft. easement has been proven. **Brown** said that if he sold a home built over 100 years ago he would not be required to upgrade the home to current building code standards; therefore, current regulations regarding the easement should not apply. **Craven** said that it has been stated that there could possibly be more residences in the future, but the Special Use Permit would remain with the land and they could never build any additional homes on the land. **McDowell** asked the Planning Department's recommendation, and **Johnson** said that the staff recommends approval for this request as meeting the standards for a planned rural development. Johnson said that the County recognizes that a rural family situation is not the same as the standard subdivision. Johnson said that the County was asked to make allowances for the family. Johnson said the Special Use Permit would always stay with the land regardless of ownership. Johnson said the easement was granted prior to any regulations that would give guidance of easement size necessity. **Craven** said that he didn't feel this request fails any of the four tests required to be met. **Dorsett** said he felt that the only test that is failed is test #2 (that the use meets all required conditions and specifications). **McLeod** said that he felt the easement was prior to any ordinances and should be grandfathered.

Craven made the motion, seconded by **McLeod**, to approve the Special Use Permit. **Dorsett** said that if the Board members are comfortable with the request he would not vote against the motion. The motion passed unanimously.

- B. **JIMMIE CLARK**, Lexington, North Carolina, is requesting a Special Use Permit to allow a private resident academy for teenage girls in the Old Farmer School facility located at 4751 Dunbar Bridge Road, 17.18 acres, Concord Township, Zoning District RR, Tax ID# 7609936350. Andy Lineberry Sports Center - Property Owner.

Johnson presented pictures of the property and a site plan for the request.

Jimmie Clark, 3790 Parks Road, Lexington, presented the Board with a handout concerning his request. Clark said that he is an evangelist, married for 37 years with 3 children. Clark said in the process of what God has done in his life, he has gotten involved in working with young girls. Clark talked about the home they currently operate in Florida. Clark said that he has been praying for some property to open a home, school, and facilities for young girls locally. Clark said he has talked with several County officials (Planning Director, Building Inspections Supervisor,

Environmental Health Supervisor) to discuss his plans. Clark said he plans to move his office, church and revival services to this facility. Clark said they educate the girls from their facilities. Clark provided a daily schedule of the girls. Clark said the girls go to school during the week, Saturday is a chore day, and they attend church on Sunday. Clark said the girls do not own cars and only the staff will have cars at the facility. Clark said they take girls off the streets and see Jesus Christ change their lives. Clark said they are required to dress like ladies and they teach them to be ladies. Clark said the facilities would be approved for a total of 36 people (girls and staff members) to stay overnight. Clark discussed the plans for each building. Clark said they plan to operate a school with dormitories for these girls and have his evangelist offices at this location. Clark discussed his plans to renovate the entire facility eventually. Clark said they could be approved for additional girls if they upgrade the septic tank system. Clark said that they could have 8 to 10 girls in each room (he said he plans to have 4 dormitory rooms). Clark said that he has plenty of help with electricians, painters, plumbers, and septic contractors ready to help with the renovations. **Johnson** asked Clark if he was aware of building codes, fire codes, and septic tank requirements. **Clark** answered yes. Clark said there would be 30 students with 6 staff members. **Johnson** asked if he had to be licensed by the State and **Clark** answered no because the school would be through the local church. Clark discussed the Christian curriculum that is to be used in educating the girls. Clark said they just had five girls to graduate from their other academy and they all are going to college. **Johnson** asked how the girls are referred to their facility. **Clark** said mainly from churches and church families. **Johnson** asked if any of the girls were criminals and **Clark** answered no, that they are not a reform school. **Clark** said that the girls mainly have authority problems, no structure in their lives, and sin in their lives. Clark said they heal the spirit and the mind through this facility. **Craven** asked the ages of the girls and **Clark** answered 12 years to 17 years of age. Clark said that they stay approximately 12 months, but some stay through graduation. **Dorsett** asked how the girls are retained and **Clark** said that they don't physically touch the girls, but they do have security systems and through Jesus Christ the girls are changed. Clark said they provide Christian supervision. Clark said that the only way a girl would get off campus would be to run and the other girls normally stop them. Clark said that some of the staff people live off the property. Clark said that they only charge for tuition and medical expenses. **Ridge** asked if there would be any controls over the facility. **Clark** said that the State can check the school records, and they are inspected for safety, etc. Clark said they would comply with any required inspections but they are not required to have a license. **McDowell** asked what corporation would own the property, and **Clark** answered they are in the process of forming another organization locally to own the property. **McDowell** asked what the renovation time frame would be for the facility, and **Clark** said it would be 6 months to 1 year. Clark said that their goal right now is to secure the facility. **McDowell** asked if this is a concrete plan or only a vision. **Clark** answered that he will buy the property whether the girls home is approved or not. **Clark** said God would make a way for him.

McDowell asked if girls would be brought up here from Florida and **Clark** said he couldn't answer that at this time. **McDowell** asked where the girls would come from, and **Clark** answered they could come from anywhere. **Ridge** asked if the Florida school was located in a residential or business community. **Clark** said it is in a residential community. **Ridge** asked if they had any problems with the girls getting off the grounds and Clark answered no. **Clark** said that so far the community has been very supportive. Clark said that he is a fifth of the way toward raising the money for the property.

Jeff Lamb, 8180 Lassiter Mill Road, pastor of the Farmer Baptist Church, said the church has been up to help on the property. Lamb said that this would enhance the community and is a class act. Lamb said this would be a blessing for anyone that would get involved. Lamb said the empty facility has been a hazard in the community. Lamb said that they wholeheartedly support this request and further request that the Planning Board ask the Commissioners to clean up all the dumped storage owned by the County at the facility.

Bill Lineberry said that they purchased the property for a charitable organization to help mentally challenged children. Lineberry said he put \$150,000 in the property and because he was not there all the time vandals destroyed the buildings. Lineberry said that Clark has done a wonderful job improving the property and this would be an asset to the community.

Jack Tilley, 268 Two Ponds Drive, Randleman, said that he is associated with Grace Haven Ministries in Chatham County. Tilley said that the Board should consider the request carefully. Tilley described a situation of a 13-year-old girl that became pregnant and was ministered to through Grace Haven Ministry. Tilley said that Grace Haven Ministries will take any child and he felt this request is also a good ministry.

Grace Snyder, 1048 Klopman Mill Road, Denton, said that she plans to work at this facility and she felt these types of facilities change lives. Snyder said that she wanted the Board to help him out.

Rebecca Lineberry, Denton, said that they had first-hand experience with needing a facility such as this one. Lineberry said their youngest daughter was a runaway and they didn't have this type of facility locally to help her. Lineberry said that they had to send their daughter out to Idaho for the attention and education she needed. Lineberry said that society draws children into bad things and the problems children have is not necessarily problems caused by the family. Lineberry said that this would be a 24-hour school and a wonderful program. Lineberry said their daughter is now college educated with a family. If she hadn't gotten help from a facility like this, her life could have turned out very differently.

Judy Lowe, Dunbar Bridge Road, said that they live across the road from this school. She thinks this would be an opportunity to help girls that would not receive help without this type of facility. Lowe said they felt this facility would be an asset to the community and would solve the problems they currently have with vandals in the community.

Jon Megerian, attorney, said that he is representing a couple of the neighbors opposed to this request. Megerian said that the Lineberrys are friends of his and he would never question their testimony. Megerian said that he would only question the four tests necessary to issue a Special Use Permit. Megerian said that he felt this proposal fails all four tests. Megerian started with the first test (that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved) and said the site plan only shows what exists on the property and does not show the proposed plan. Megerian said that petitioner has not shown his entire plan. Megerian presented pictures of the present condition of the property. Megerian discussed the terrible condition of all the buildings. Megerian said that the burden is on Clark to prove the facility is safe. Megerian questioned that the facility would be safe for the 30 girls if all the buildings are not renovated prior to opening the facility. Megerian said that this would not be a safe situation and would only be safe if all the buildings were renovated before any girls were brought to the property. Megerian said that the second test (that the use meets all required conditions and specifications) required to be met is not met because the site plan does not show any of the requirements, such as traffic circulation, parking lots, etc. Megerian said that the third test (that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity) has not been met. Megerian said that this is not a public necessity and there has been no evidence to prove that the request would not substantially injure the value of adjoining property. Megerian said that the applicant has not shown what is really going in the facility and therefore cannot tell us if adjoining landowners property values will be harmed. Megerian said the forth test (that the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Land Development Plan for Randolph County) cannot be met because it is not a school and the applicant has referred to this as a girls home. Megerian said that his website refers to the facility as a girls home. Megerian said that there is a provision for group homes with no more than 16 girls and they are regulated by the State. Megerian said there is nothing submitted that proves this would be a school. Megerian said he understood the excitement to help these girls but the facility should be required to be licensed as a home. Megerian said none of the four tests have been met and asked the Board to deny the request. Megerian said this is a quasi-judicial hearing and there are rules that must be followed. Megerian said that if the tests are not met the Board is required to deny the request.

There were 25 citizens present in favor of this request. There were 12 people present that live within a mile of this site.
There were 4 citizens present in opposition to this request.

Johnson explained that the approval or denial of the Special Use Permit request is only the first step in the process. Johnson said that all codes and requirements of all the appropriate agencies must be met before a certificate of occupancy can be issued. Johnson said that the zoning approval is only the first step in the process.

Dorsett said that the application is for a private resident academy and not a school.

McDowell said that he didn't feel the applicant met the four tests required. McDowell said that he lives close to Farmer School and went to Farmer School all his life. McDowell said he would like to see the school put back the way it was. McDowell said that he felt more accurate information is needed to make a decision on this request. McDowell said that he would like to see a complete plan in place before the permit is approved. McDowell said he is not debating if this should happen or not, but he feels the Board doesn't have adequate information to approve this request. **Dorsett** said he felt the Board should be receiving better drawings than the Board has been receiving. Dorsett said he felt the applicant should be required to provide a site plan and not the Planning staff. **Dorsett** and **McDowell** felt there was not enough information given with the adequate specifications to make a decision. **Johnson** asked for the specifics the Board wanted to see. The Board gave a list of the specifications they wanted to see:

- **a detailed site plan of each building and future renovations
- **time table for renovations
- **supervision that would be provided
- **responsible organization

Johnson discussed a newly established *Property Development Advisory Team* and said that this team is made up of representatives from the Zoning Department, Central Permitting Office, Building Inspections, Fire Marshal's Office, and Environmental Health Department. Johnson said that this team would be more than willing to work with Reverend Clark on his proposal.

Craven said that the County needs more Christian facilities and said he would like to approve this tonight but felt more information was needed.

Dorsett made the motion, seconded by **Craven**, to make the motion to postpone this request. The motion passed by a vote of 6 to 1, **Brown** voted against the motion.

5. **REQUESTS FOR PROPERTY REZONING:**

- A. **RONALD MCKAGUE**, Thomasville, North Carolina, is requesting that 6 acres (out of 22.99 acres) located at 6185 Old Mendenhall Road, Trinity Township, be rezoned from Light Industrial to Residential Agricultural/Conditional Use. Tax ID# 6798894568. Lake Reese Watershed. The Conditional Use Zoning District would specifically allow two rental mobile home lots.

- **Technical Review Committee Recommendation**

*The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommend to the County Planning Board that this request be **APPROVED**.*

McKague was present and said the mobile home has been on the property for several years. McKague said that he just wants to continue to rent the mobile home spaces.

There was no one present in opposition to this request.

Brown made the motion, seconded by **Craven**, to recommend to the Commissioners that this request be **approved**. The motion passed unanimously.

- B. **SUSAN SMITH**, Denton, North Carolina, is requesting that 3 acres (out of 75.30 acres) located on Hwy 49S (just past Conelson Road), New Hope Township, be rezoned from Residential Agricultural to Highway Commercial/Conditional Use. Tax ID# 6687728751. The Conditional Use Zoning District would specifically allow a 40' x 100' structure with four service and retail shops (lawn and garden shop, craft and novelty shop, beauty shop, and foodstand).

- **Technical Review Committee Recommendation**

*The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommend to the County Planning Board that this request be **APPROVED**.*

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 4.2 *Highway oriented commercial uses should be clustered along segments of arterial streets and contain land uses that are mutually compatible and reinforcing in use and design. They should be designed in a way that minimizes signage, access points and excessive lengths of commercial strip development.*

Policy 4.6 *Compatible land uses such as rural neighborhood retail and service establishments located close to general residential areas shall be considered during the rezoning process with the general goal of reducing automobile travel distances and promoting better livability in the community.*

Terry Smith was present and explained that their family plans to operate the business.

There was no one present in opposition to this request.

McLeod made the motion, seconded by Brown, to recommend to the Commissioners that this request be **approved**. The motion passed unanimously.

- C. **MITCHELL BECK**, Randleman, North Carolina, is requesting that 3.75 acres located at end of Beck Country Drive (off Worthville Road), Franklinville Township, be rezoned from Residential Agricultural to Light Industrial/Conditional Use. Tax ID# 7774080601. The proposed Conditional Use Zoning District would specifically allow a junkyard and to operate a used car sales lot.

- **Technical Review Committee Recommendation:**

*The property has been in continual zoning violation for several years. It is the Technical Review Committee's policy to not recommend approval of any zoning change request of a property that is currently in violation of zoning requirements. **CODE ENFORCEMENT OFFICERS MET WITH MR. BECK AND HE WAS INFORMED THAT HE WOULD HAVE TO SCALE HIS OPERATIONS BACK TO THE SIZE IT WAS IN 1988.***

The following is a chronology of Planning Department Code Enforcement activities involving the Mitchell Beck Property.

- ***About 1990**, Code enforcement officer visited Beck site with the Building inspector. Beck said he had been selling used cars for several years. Beck was informed that he could not expand his business.*
- ***The County Tax Map, dated March 26, 1991**, shows less than 90 cars including personal cars.*

- *In January 1996, Code enforcement officers visited Beck site. Beck was informed that he was in violation of the County Zoning Ordinance concerning a salvage yard. To continue operation at the same level, Beck would need to get the property rezoned for the same.*
- *February 13, 1996, Mitchell Beck applied to have his property rezoned for a salvage yard.*
- *March 5, 1996, the County Planning Board recommended the application be denied because Beck had expanded his business and because it backed up to Polecat Creek.*
- *April 1, 1996, the County Commissioners denied Beck's request for a rezoning.*
- *March 7, 1997, Code enforcement officer mailed a "Notice of Violation" to Beck.*
- *April 7, 1997, Code enforcement officer visited site, Beck had taken no corrective action to Johnson's notice.*
- *June 2, 1997, Code enforcement officer visited site, Beck had increased the number of cars.*
- *August 29, 1997, Code enforcement officer visited site, Beck had increased the number of cars.*
- *October 24, 1997, Code enforcement referred Beck case to County Attorney*
- *December 10, 1997, County Attorney notified Beck of his violation.*
- *February 26, 2002 - Code enforcement officer posted property.*
- *Fall of 2002, County Attorney dismissed the Beck case "without prejudice."*
- *February 13, 2004 Code enforcement posted Beck property to resume legal proceedings.*
- *March 5, 2004, Mitchell Beck requested that property be rezoned for a salvage yard*
- *County Attorney is awaiting Planning Board's action before filing legal case against Beck.*
- *May 3, 2004, Beck Rezoning Request to be heard by County Planning Board*

Johnson explained that the Board postponed the request and asked the Planning Staff to work with Mr. Beck if possible. Johnson presented the Board with aerial photographs of the property. Johnson said that this issue was that County Zoning went into effect in 1987 and Beck said that he had a business there at the time. Johnson said that the County is not disputing that Beck operated a business prior to Zoning regulations but the County feels that he has greatly expanded that business since that time. Johnson said that the County's legal contention has been that Beck has expanded his business without the appropriate zoning. Johnson presented a 1988 aerial photograph of the

property and stated that the County has only been able to locate possibly 10 cars in this picture. Johnson said that the 1988 photograph was recently obtained from the Soil & Water Conservation. Johnson said that the issue before the Board is if the Board would rezone the property for a junkyard or if the Board plans to require Beck to maintain his business at the level it operated in 1988. Johnson said that code enforcement officers met with Beck. Johnson said that Beck is asking for a car sales lot and a junk yard. Johnson said the staff is recommending this request be denied. Johnson said the staff cannot recommend buffers for an illegally operating business.

McDowell asked Beck if he is a licensed junkyard dealer. **Beck** said no but he is a licensed used car dealer. **McDowell** asked Beck if he has a run-off permit. **Beck** answered no but his cars are sitting 200 ft. back from Polecat Creek. Beck said that the water is tested each month at Worthville and there have never been any problems. **Brown** asked Beck if he had ever filled out the appropriate papers for a junkyard. **Beck** said that he is a storage yard and not a junkyard. Beck presented a petition of people that knew him in 1978 where 71 people signed a petition that knew he had junk cars on this property.

Beck said that he has sold parts from these cars. Beck said that if someone doesn't pick up his car within 30 days, he would sell parts from the cars. Beck said that he calls the business a storage yard but his neighbors call it a junkyard. Beck said that he didn't know when the pictures of his property were taken, but they were taken without his permission.

McDowell asked Beck what he does with the fluids from the cars. **Beck** said that he burns the oil and gas. **Brown** asked Beck what he does with the Freon and **Beck** said Deep River Automotive removes it for him. **McDowell** asked Beck if he repairs these cars and **Beck** answered yes.

Beck said that he is a Christian and doesn't want to belittle anyone. Beck had a paper with him that he decided not to show the Board.

Ray Davis, Seagrove, said that he has known Beck since the late 70's and he does remember him having cars on his property at that time. Davis said he didn't understand the things the County is doing to Beck. Davis said that since Beck has changed his life and joined the church he is a good person. Davis said he hoped the Board would not take his business away from him and his family.

Ernest Beck, Burlington, (son of Beck) said that his family moved to the property in 1972 and the cars were on the property before they were. Beck said his dad has always had this business and had more than 90 cars under those trees. Beck said this is his father's livelihood.

Sheila Robbins Scott, 3282 Robbins Scott Road, Randleman, said that her family has owned their land since 1973. Scott said that Mrs. York owned the Beck property at that time. Scott said that she purchased adjoining land in 1986 that had been used as a junkyard. Scott said they are still picking up metals and other things that are still surfacing on the property. Scott said that a junkyard damages the environment. Scott said there are tires on the creek bank of Beck's property. Scott said in 1996 she stood before this Board and pleaded with the County. The Commissioners told Beck to clean up the property up and denied his request in 1996. Scott said that she has called the County Attorney and Code Enforcement Officers since this time and no one has made him do anything to clean up the property. Scott said that Beck has made a mockery of this Board.

Rick Scott, 3282 Robbins Scott Road, Randleman, said that he is strongly opposed to this request and said Beck is not concerned with how the property looks. Scott said that Beck still has not removed the cars he has on the Scott property. Scott said that he built their home in 1991. Scott said that a few cars may have been on the property in 1988, but how many cars can be under trees without being seen on the aerial photograph.

There were 5 citizens present in opposition to the request.

There were 9 present in favor (including the applicant).

Brown asked if Beck has ever made an effort to comply with the County regulations. **Johnson** answered no. **Brown** asked if Beck could come before the Board for just a dealers license by a Special Use Permit. **Craven** said that first the junk vehicles should be required to be cleaned up.

Brown said that in 1988 Beck was operating illegally without a license from the State.

Dorsett said that he didn't understand if the Commissioners denied this request, why fines and penalties have not been enforced. **McDowell** said that was a failure of someone else.

Dorsett said that he tried to make it clear to Beck that if he wanted to maintain his livelihood he would need to make some concessions. **Johnson** said Beck was not willing to reduce his business back to the level it was in 1988.

Craven made the motion, seconded by **Brown**, to recommend to the Commissioners that this request be **denied**. The motion passed by a 6 to 1 vote, **McLeod** voted against the motion.

- D. **BILL BOYD**, Asheboro, North Carolina, is requesting that 20.20 acres located off Old Greensboro Road at the end of Salem Ridge Drive, Level Cross Township, Polecat Creek Watershed, be rezoned to allow a conventional exclusive residential subdivision overlay. Tax ID#7766791649. Zoning District RA. The Conditional Use Zoning District would specifically allow a 34-lot residential subdivision for site-built homes with a minimum house size of 1,200 sq. ft. Russell Truitt - Property Owner.

- **Neighborhood Information Meeting Summary**

The developer, Bill Boyd, was present. There were 9 citizens present in opposition to this request. The following concerns were noted:

1. *Possible traffic safety concerns with the number of new vehicles accessing the existing street. Concern was expressed for the neighborhood children.*
2. *There is a limited entryway to the proposed location for work trucks.*
3. *Only one entrance will serve these 34 lots.*
4. *Citizens felt the entrance was poorly designed from the existing cul-de-sac and the new entrance would have a direct negative impact on lot 21 in the existing subdivision.*
5. *Increased load on the pump station capability.*
6. *Stormwater run-off problems.*

- **Technical Review Committee Recommendation**

*The Technical Review Committee met and felt there would be traffic safety concerns by adding 34 lots to this single-access road entering Old Greensboro Road directly across from Level Cross Elementary School. The access road currently serves 46 residential lots and 3 cul-de-sac streets. Maintenance for the existing roads in Salem Ridge has not been taken over by N.C.D.O.T. as required for development by Randolph County. After contacting N.C.D.O.T., the code enforcement officer was notified that there has been no attempt by the developers to request the roads be maintained by the State. The Technical Review Committee recommend to the County Planning Board that this request be **DENIED**.*

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are

Policy 2.14 The County should encourage the use of rural lot subdivision designs in those areas where it is found necessary to maximize the infiltration of precipitation to a private well water field and insure sustainable groundwater supplies.

Policy 6.5 The protection of viable rural neighborhoods should be encouraged by compatible residential development to insure the continued existence as a major housing source and as a reflection of the long-term quality of life in Randolph County.

Johnson summarized the request and discussed the concern from some of the citizens at the neighborhood information meeting of run-off and erosion problems. Johnson explained that these problems were worked out through NCDENR. Johnson said that the key issue is that this is a very dense proposal with only one access. Johnson said that all the traffic would travel on one road.

Boyd said that there is only one entrance into the subdivision. Boyd said he felt this was a plus. Boyd described his neighborhood in Asheboro with only one access and said it provides an added security to the neighborhood. Boyd said with one entrance only the residents of the subdivision would use the entrance and it would not be used for a cut-through road. Boyd said the price range of the homes would be \$110,000 to \$170,000 homes. Boyd said that the demand for homes in the area is great and he plans to purchase the property if the zoning is approved. Boyd said they will not cut the timber except those necessary to install the roads and houses. Boyd said they should have less run-off keeping the large trees on this tract. Boyd said these large trees will buffer the development. Boyd said the road opens up to slow moving traffic in a school zone. **Dorsett** asked how long the development would take to complete and **Boyd** said between 3 and 5 years. **Dorsett** said that his concern was for the construction traffic across from the school. **Boyd** said they haven't had any accidents or problems from the school for the construction in the first phase.

Boyd discussed the repairs necessary to the streets before the NCDOT will take over the existing streets. Boyd said they plan to just re-pave the section that is in such bad shape.

Jack Tilley, Two Ponds Drive, Randleman, said that he would like Boyd to include under his private restrictions to not allow things like dirt-bikes, 4-wheelers, and race cars.

Marcus Harvey, Salem Ridge resident, said that they have a petition of opposition. Harvey discussed traffic problems that all the added vehicles will create. Harvey talked about all the traffic problems they currently have with all the school traffic. Harvey talked about the poor condition of the roads currently. Harvey said that he hated to see the increased traffic.

Andy Walls, 209 Salem Ridge Drive, Randleman, said they have a homeowners

association and he is concerned about their dues. Walls asked if this addition would increase their dues and if there would be a new pump station for these additional lots. Walls complained about construction noise. Walls said the speed limit is 55 on this road and the traffic is not slow. Walls said that Boyd assured him that there would be no additional lots on the landlocked property being discussed tonight.

Wendy Johnson, 608 Salem Ridge Drive, said that she purchased her house because it was in the cul-de-sac. Johnson said they were told by Boyd that there would be no expansion of the subdivision. Johnson said that there are soil erosion problems and her yard has still not been fixed. Johnson said that driveways are collapsing because of the erosion problems. Johnson said that they have problems with people paying homeowners association fees. Johnson talked about the traffic problems and the need for an additional entrance if these lots are approved.

Clint Whitlow, 339 Lacewood Court, Randleman, said that they were the second or third resident in the community. Whitlow said they were told by Boyd that there was no way for development on this landlocked parcel of land. Whitlow said that the traffic has increased and he doesn't feel their road problems will be fixed. Whitlow said that the roads have been this bad for a long time and additional construction traffic will only continue to destroy the road. Whitlow said he felt Boyd's integrity is at stake and he realized that legally they can't do anything but his word was good enough for them when they purchased their home. Whitlow said they felt Boyd should consider sidewalks in the neighborhood if the subdivision was approved.

Beverly Sappington, 629 Salem Ridge Drive, said that they were all told by the real estate office that there would not be any extension of this development.

Jody Penland, 323 Salem Ridge Drive, said they were frightened for their children with the construction traffic and added vehicles. Penland said that they purchased their home in March and were told there would be no extension of the subdivision. Penland asked the Board to not support this request, but if the County approves the development, they would like to see sidewalks and possibly a pool or something for the community.

There were 13 citizens present in opposition to this request.

Johnson said that the problem with the development is there is only one access to the subdivision. Johnson said that this will be an extremely congested situation.

Brown said that continued construction traffic would destroy the roads. **Craven** expressed concern for emergency vehicles' access to all the residences in the development. **Dorsett** said that traffic and density are the concerns of the Board but the Board cannot consider what the buyers were promised. Dorsett said he felt bad that the

buyers were misled. **Rains** asked if there were any County guidelines for traffic counts on subdivision roads. **Johnson** said no, only the State standards.

Brown made the motion, seconded by **Dorsett**, to recommend to the Commissioners that this request be **denied**. The motion passed unanimously.

- E. **NEW HORIZONS DEVELOPMENT, LLC.**, Sophia, North Carolina, is requesting that 100.58 acres located on Beeson Farm Road, Back Creek Township, be rezoned to allow an exclusive residential cluster subdivision overlay. Tax ID# 7724982289. Zoning District RA. The Conditional Use Zoning District would specifically allow a 79-lot residential subdivision for site built homes with a minimum house size of 1,600 sq. ft.

- **Neighborhood Information Meeting Summary**

The developers were present. One property owner that adjoins this tract was present and said they would like to see some evergreen plantings adjacent to the existing subdivision to help buffer existing development in the area where trees have been thinned.

- **Technical Review Committee Recommendation**

*The Technical Review Committee met and found that the proposal was in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommend to the County Planning Board that this request be **APPROVED** as an excellent example of an open space conservation subdivision.*

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are

Policy 6.4 Innovative and flexible land planning techniques shall be supported as a means of encouraging development configurations which are more desirable and which may better safeguard existing natural land and water resources.

Policy 6.7 Open space flexible cluster subdivisions should be encouraged

Policy 6.8 Encourage a system of incentives that encourage a developer to reserve open space by coupling clustering techniques with density bonuses in the subdivision.

Phil Ridge excused himself from participating in this request due to a conflict of interest.

Johnson discussed the open space design and described this as one of the best open space development proposals he has ever seen.

Luke Hollingsworth, a partner of New Horizons Development, provided proposed deed restrictions for the development. Hollingsworth said that the development would take 3 to 5 years to complete. Hollingsworth described the heavy buffers being maintained along all the property lines.

Johnson said that this development will never be seen by people traveling down each road because of the undeveloped 50% open space.

Julie Smith, Jesse Smith Road, said that their family operates a chicken farm a 1/4 mile from this site. Smith said that Randolph County has more farms than any other county in the State. Smith complained about the cost of land because of developers running land prices up. Smith said the farmer cannot compete with developers when purchasing land. Smith said that kids on 4-wheelers from these developments destroy their farmlands. Smith talked about the traffic problems on Hwy 311. Smith said that this is a rural area and there is no stopping the growth. Smith said that just because you can't see the development doesn't mean the people aren't there. Smith said that she felt that Phil Ridge being a Planning Board member is a conflict. Smith said she felt that Ridge should not be allowed to sit on this Board and develop in this county.

Amy Smith, 2824 Jesse Smith Road, said that they have a problem with Phil Ridge being a member and said this is a conflict of interest. Smith said that developers within Randolph County should not be on this Board. Smith said she felt this influenced the Board to approve his request. **Rains** said that he took issue with what Smith said because he didn't know Phil Ridge was part of this development. Rains said that he is a new member and didn't know Phil Ridge. Rains said that he would make decisions based on what he felt was best for the county.

Smith asked who would maintain the open space and was told it would be maintained by a homeowners association. Smith disagreed with the concept of small cluster lots and said that she felt if the County wanted to maintain open space the County should require larger lots (such as 3 acres). Smith questioned how these small lots could have septic systems when they were required to have larger tracts for septic tanks. Smith talked about all the regulations that farmers have to follow but developers are allowed to have all these septic tanks in this small area. Smith said she felt lot sizes need to be larger. Smith said she felt there needed to be a line drawn as to how much development the County is going to allow. Smith discussed traffic problems in the area.

Jane Beeson, 4131 Beeson Farm Road, said that the plan is beautiful on paper, but she is concerned with how this will impact their quality of life. Beeson said that they are farmers and work very long hours. Beeson said that this additional 79 homes will make a tremendous difference in their lives. Beeson discussed the additional traffic that would cause problems with the farm traffic on the road. Beeson said that this strongly impacts their quality of life.

Lori Weatherman, 3197 Windy Rest Lane, Sophia, said that she has lived here all her life and the traffic has become very crowded. Weatherman said that before anyone got up to speak this request was “sugar coated.” Weatherman said that they don’t want 79 new homes in this area. Weatherman said that this request is just about greed. Weatherman said that there are too many houses down there now. Weatherman said that clusters are usually big messes. Weatherman said that crime increases with the increase of houses. Weatherman said Beeson Farm Road and Beckerdite Road residents will be affect every day but this Board will not.

Jeff Smith, 2731 Jesse Smith Road, said that he has lived here all his life. Smith invited the Board to come and see all the sewage that runs out of Liberty’s Run Subdivision into the creek. Smith said that the ground is not going to hold all of this sewage and it has to go somewhere.

McDowell said that he understood where the opposition was coming from because he has lived on a farm all his life. McDowell said that the Board tries to make decisions based on what is best for Randolph County. McDowell said that we do the best that we can in difficult decisions that often make no one happy.

Rains discussed the issue that Environmental Health Department permits septic tanks and this must be approved by that department prior to building permits being issued.

McLeod said that you can’t condemn someone for selling their farmland that they no longer farm.

McLeod made the motion, seconded by **Craven**, to recommend to the Commissioners that this request be approved. The motion passed unanimously.

- F. **DEEP BLUE INVESTMENTS, LLC.**, Asheboro, North Carolina, is requesting that 87.36 acres located on Young Road, Grant Township, be rezoned to allow a conventional exclusive residential subdivision overlay. Tax ID# 7790895301, 7790799952, 7790881291, and 7790881520. Zoning District RA. The Conditional Use Zoning District would specifically allow a 49-lot residential subdivision for site built or conventional modular homes with a minimum house size of 1,200 sq. ft. Martha

Hudson - Property Owner.

- **Neighborhood Information Meeting Summary**

Lee Roberts, developer, was present. There were 9 citizens present in opposition to this request. The following concerns were noted:

- 1. Community would like to see the farmland retained and felt the developers should live on the property.*
- 2. Neighbors felt the development would be too high density and incompatible with the lot sizes in the community.*
- 3. Concern was expressed for the impact on the local schools, ground water levels, and noise levels.*
- 4. There is only one access proposed for 49 lots.*
- 5. The development would create a negative traffic impact on the farmers in the area.*

- **Technical Review Committee Recommendation**

*The Technical Review Committee met and found that the proposal was in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommend to the County Planning Board that this request be **APPROVED** as compatible with the community. The Technical Review Committee noted that all the proposed lots exceed the minimum lot size requirement.*

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 6.5 The protection of viable rural neighborhoods should be encouraged by compatible residential development to insure the continued existence as a major housing source and as a reflection of the long-term quality of life in Randolph County.

Policy 6.13 Conventional residential subdivisions are anticipated of similar housing characteristics to the community.

Johnson described the many times that this property came up for rezoning. Johnson said the first request was for a mobile home park. Johnson said the property was brought to this Board a second time for a mobile home subdivision. Both requests were denied.

Lee Roberts, 122 North Fayetteville Street, said that he had nothing to do with the first two requests. Roberts said that this property has been on the market for one year before they attempted to purchase the property. Roberts said that all the neighbors have had the opportunity to purchase the property. Roberts said that he has worked with the Planning Department in designing this development. Roberts discussed no-cut buffers that they have proposed. Roberts said they plan to increase the no-cut buffer along the existing creek on the back of the property to 100 ft. Roberts said that the housing costs would be around \$110,000 and up.

Mike Cox, 4141 Young Road, Asheboro, said that his family has lived here since 1757 and farmed their property. Cox said that their primary concern was the density level of this subdivision. Cox talked about the traffic that would be added to the area if this is approved. Cox said that if you sell liquor by the drink you make more than liquor by the bottle. Cox said that there are two school buses that travel this road. Cox said if the developer would decrease the number of lots to 20 lots he wouldn't be opposed to the development. Cox said that Randolph County needs public water if we are going to allow high density developments.

Faye Cox, 1211 Grantville Lane, said that she hates developments. Cox said that her problem with this is that there are a lot of houses in this area. Cox said there are six buses that travel on Grantville Lane. Cox said there are all kinds of traffic in this area. Cox expressed concern that the buffers would not be maintained by the new lot owners. Cox talked about the problem with 4-wheelers that ride on the farmland without permission. Cox said that the farmers are losing their rights. Cox said the development has got to slow down. Cox said that the development in this area is awful.

Craven made the motion, seconded by **Brown**, to recommend to the Commissioners that this request be approved. The motion passed unanimously.

6. The meeting adjourned 11:44 p.m. There were 109 people present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

Planning Director

Date

Clerk/Secretary